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11 Attorneys for Defendant
12 SHAWN HOGAN

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 SHAWN HOGAN

20 Defendant.

Case No. CR 10-0495 JF (PSG)

21 **STIPULATION AND ~~PROPOSED~~ ORDER**
22 **CONTINUING HEARING ON EBAY'S**
23 **MOTION TO QUASH**

24 Court: The Honorable Jeremy Fogel
25 Trial Date: None Set

FILED

APR 13 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 Pursuant to Civil Local Rules 6-2 and 7-12 and Criminal Local Rule 47-4, Defendant
2 Shawn Hogan ("Hogan") and Third Party Movant eBay Inc. ("eBay"), by and through their
3 respective counsel, hereby stipulate as follows:

4 1. On January 25, 2011, Hogan served eBay with a Subpoena *duces tecum* authorized
5 by this Court under Fed. R. Crim. P. 17(c).

6 2. On February 8, 2011, eBay filed a Motion to Quash Hogan's Subpoena *duces*
7 *tecum*, with a hearing currently set for April 21, 2011.

8 3. eBay and Hogan have met and conferred in an attempt to resolve their issues
9 without Court intervention, and have made substantial progress towards resolving their issues, but
10 have not yet been able to reach agreement or to finalize a list of issues to bring before the Court.

11 4. eBay and Hogan believe that further negotiation would be productive, and
12 therefore request the following modifications to the schedule in this matter:

13 a. The hearing on eBay's Motion to Quash Hogan's Subpoena *duces tecum*,
14 currently scheduled for April 21, 2011 at 1:30 p.m. shall be moved to May 19, 2001 at 1:30 p.m.

15 b. Hogan's response brief shall be due on May 5, 2011.

16 c. eBay's reply brief, if any, shall be due on May 12, 2011.

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1 IT IS SO STIPULATED.

2 I, Paul A. Alsdorf, attest that concurrence in the filing of the above stipulation and
3 [proposed] order has been obtained from counsel for eBay.
4

5 DATED: April 11, 2011.

FARELLA BRAUN & MARTEL LLP

6
7 By: /s/ Paul A. Alsdorf
8 Paul A. Alsdorf, Esq.

9 Attorneys for Defendant
SHAWN HOGAN

10 DATED: April 11, 2011

O'MELVENY & MYERS LLP

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13 By: /s/ Sharon M. Bunzel
Sharon M. Bunzel, Esq.

14 Attorneys for Third Party Movant
15 EBAY INC.

16 **ORDER**

17 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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19 Dated: 4/13, 2011.
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21 Paul S. Grewal
22 The Honorable Paul Singh Grewal
23 United States Magistrate Judge
24 Northern District of California
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